

**R315. Environmental Quality, Solid and Hazardous Waste.**

**R315-310. Permit Requirements for Solid Waste Facilities.**

**R315-310-1. Applicability.**

- (1) The following solid waste facilities require a permit:
- (a) New and existing Class I, II, III, IV, V, and VI Landfills;
  - (b) Class I, II, III, IV, V, and VI Landfills that have closed but have not met the requirements of R315-302-3(7)
  - ~~[(b)]~~ (c) incinerator facilities that are regulated by Rule R315-306;
  - ~~[(c)]~~ (d) landtreatment disposal facilities that are regulated by Rule R315-307; and

*More oversight is needed for the operation of transfer stations especially with respect to waste inspection and the prevention of the acceptance of prohibited waste. Therefore the above change is made to require all transfer stations to operate under a permit issued by the Executive Secretary. The changes also make it clear that a facility that is in post-closure care need to have a permit*

- (d) waste tire storage facilities.
- (2) Permits are not required for corrective actions at solid waste facilities performed by the state or in conjunction with the United States Environmental Protection Agency or in conjunction with actions to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state or federal cleanup order.
- (3) The ~~[permit]~~ requirements of Rule R315-310 apply to each existing solid waste facility, for which a permit is required.
  - (a) The Executive Secretary may incorporate a compliance schedule for each existing facility to ensure that the owner or operator, or both, of each existing facility meet the requirements of Rule R315-310.
  - (b) The owner or operator, or both, where the owner and operator are not the same person, of each new facility or expansion at an existing solid waste facility, for which a permit is required, shall:
    - (i) apply for a permit according to the requirements of Rule R315-310; and
    - (ii) not begin the construction or the expansion of the solid waste facility until a permit has been granted; and
    - (iii) not accept waste at the solid waste facility prior to receiving the approval required by Subsection R315-301-5(1).
  - (4) A landfill may not change from its current class, or subclass, to any other class, or subclass, of landfill except by meeting all requirements for the desired class, or subclass, to include obtaining a new permit from the Executive Secretary for the desired class, or subclass, of landfill.

**R315-310-2. Procedures for Permits.**

- (1) Prospective applicants may request the Executive Secretary to schedule a pre-application conference to discuss the proposed solid waste facility and application contents before the application is filed.
- (2) Any owner or operator who intends to operate a facility subject to the permit requirements must apply for a permit with the Executive Secretary. Two copies of the application, signed by the owner or operator and received by the Executive Secretary are required before permit review can begin.
- (3) Applications for a permit must be completed in the format prescribed by the Executive Secretary.
- (4) An application for a permit, all reports required by a permit, and other information requested by the Executive Secretary shall be signed as follows:
  - (a) for a corporation: by a principal executive officer of at least the level of vice-president;
  - (b) for a partnership or sole proprietorship: by a general partner or the proprietor;

(c) for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official; or

(d) by a duly authorized representative of the person above, as appropriate.

(i) A person is a duly authorized representative only if the authorization is made in writing, to the Executive Secretary, by a person described in Subsections R315-310-2(4)(a), (b), or (c), as appropriate.

(ii) The authorization may specify either a named individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of facility manager, director, superintendent, or other position of equivalent responsibility.

(iii) If an authorization is no longer accurate and needs to be changed because a different individual or position has responsibility for the overall operation of the facility, a new authorization that meets the requirements of Subsections R315-310-2(4)(d)(i) and (ii) shall be submitted to the Executive Secretary prior to or together with any report, information, or application to be signed by the authorized representative.

(5) Filing Fee and Permit Review Fee.

(a) A filing fee, as required by the Annual Appropriations Act, shall accompany the filing of an application for a permit. The review of the application will not begin until the filing fee is received.

(b) A review fee, as established by the Annual Appropriations Act, shall be charged at an hourly rate for the review of an application. The review fee shall be billed quarterly and shall be due and payable quarterly.

(6) All contents and materials submitted as a permit application shall become part of the approved permit and shall be part of the operating record of the solid waste disposal facility.

(7) The owner or operator, or both, of a facility shall apply for renewal of the facility's permit every ~~five~~ ten years.

***The solid waste program has done two rounds of permits for most facilities and extending the permit life will allow staff to concentrate more attention on compliance monitoring. The change is also consistent with the current hazardous waste permitting requirements.***

### **R315-310-3. General Contents of a Permit Application for a New Facility or a Facility Seeking Expansion.**

(1) Each permit application for a new facility or a facility seeking expansion shall contain the following:

(a) the name and address of the applicant, property owner, and responsible party for the site operation;

(b) a general description of the facility accompanied by facility plans and drawings and, except for Class IIIb, IVb, and Class VI Landfills and waste tire storage facilities, unless required by the Executive Secretary, the facility plans and drawings shall be signed and sealed by a professional engineer registered in the State of Utah;

(c) a legal description and proof of ownership, lease agreement, or other mechanism approved by the Executive Secretary of the proposed site, latitude and longitude map coordinates of the facility's front gate, and maps of the proposed facility site including land use and zoning of the surrounding area;

(d) the types of waste to be handled at the facility and area served by the facility;

(e) the plan of operation required by Subsection R315-302-2(2);

(f) the form used to record weights or volumes of wastes received required by Subsection R315-302-2(3)(a)(i);

(g) an inspection schedule and inspection log required by Subsection R315-302-2(5)(a);

(h) the closure and post-closure plans required by Section R315-302-3;  
(i) documentation to show that any waste water treatment facility, such as a run-off or a leachate treatment system, is being reviewed or has been reviewed by the Division of Water Quality; and

(j) a proposed financial assurance plan that meets the requirements of Rule R315-309.

(2) Public Participation Requirements.

(a) Each permit application shall provide:

(i) the name and address of all owners of property within 1,000 feet of the proposed solid waste facility; and

(ii) documentation that a notice of intent to apply for a permit for a solid waste facility has been sent to all property owners identified in R315-310-3(3)(a)(i).

(iii) the Executive Secretary with the name of the local government with jurisdiction over the site and the mailing address of that local government office.

(b) The Executive Secretary shall send a letter to each person identified in R315-310-3(3)(a)(i) and (iii) requesting that they reply, in writing, if they desire their name to be placed on an interested party list to receive further public information concerning the proposed facility.

***The public participation section has been added to make sure that nearby property owners and the local government with responsibility for the landfill site will be notified that a permit is being sought.***

([2]3) Special Requirements for a Commercial Solid Waste Disposal Facility.

(a) The permit application for a commercial nonhazardous solid waste disposal facility shall contain the information required by Subsections 19-6-108(9) and (10).

(b) Subsequent to the issuance of a solid waste permit by the Executive Secretary, a commercial nonhazardous solid waste disposal facility shall meet the requirements of Subsection 19-6-108(3)(c) and provide documentation to the Executive Secretary that the solid waste disposal facility is approved by the local government, the Legislature, and the governor.

(c) Construction of the solid waste disposal facility may not begin until the requirements of Subsections R315-310-3(2)(b) are met and approval to begin construction has been granted by the Executive Secretary.

(d) Commercial solid waste disposal facilities solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government are not subject to Subsections R315-310-3(2)(a), (b), and (c).

**R315-310-4. Contents of a Permit Application for a New or Expanded Class I, II, III, IV, V, and VI Landfill Facility as Specified.**

(1) Each application for a new or expanded landfill shall contain the information required by Section R315-310-3.

(2) Each application shall also contain:

(a) the following maps shall be included in a permit application for a Class I, II, III, IV, V, and VI Landfill:

(i) topographic map of the landfill unit drawn to a scale of 200 feet to the inch containing five foot contour intervals where the relief exceeds 20 feet and two foot contour intervals where the relief is less than 20 feet, showing the boundaries of the landfill unit, ground water monitoring wells, landfill gas monitoring points, and borrow and fill areas; and

(ii) the most recent full size U.S. Geological Survey topographic map, 7-1/2 minute series, if printed, or other recent topographic survey of equivalent detail of the area, showing the waste facility boundary, the property boundary, surface drainage channels, existing utilities, and structures within one-fourth mile of the facility site, and the direction of the prevailing winds.

(b) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain a geohydrological assessment of the facility that addresses:

(i) local and regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(ii) evaluation of bedrock and soil types and properties, including permeability rates;

(iii) depths to ground water or aquifers;

(iv) direction and flow rate of ground water;

(v) quantity, location, and construction of any private and public wells on the site and within 2,000 feet of the facility boundary;

(vi) tabulation of all water rights for ground water and surface water on the site and within 2,000 feet of the facility boundary;

(vii) identification and description of all surface waters on the site and within one mile of the facility boundary;

(viii) background ground and surface water quality assessment and identification of impacts of the existing facility upon ground and surface waters from landfill leachate discharges;

(ix) calculation of a site water balance; and

(x) conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable, a vadose zone monitoring plan;

(c) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain an engineering report, plans, specifications, and calculations that address:

(i) how the facility will meet the location standards pursuant to Section R315-302-1 including documentation of any demonstration made with respect to any location standard;

(ii) the basis for calculating the facility's life;

(iii) cell design to include liner design, cover design, fill methods, elevation of final cover and bottom liner, and equipment requirements and availability;

(iv) identification of borrow sources for daily and final cover, and for soil liners;

(v) interim and final leachate collection, treatment, and disposal;

(vi) ground water monitoring plan that meet the requirements of Rule R315-308;

(vii) landfill gas monitoring and control that meet the requirements of Subsection R315-303-3(5);

(viii) design and location of run-on and run-off control systems;

(ix) closure and post-closure design, construction, maintenance, and land use; and

(x) quality control and quality assurance for the construction of any engineered structure or feature, excluding buildings at landfills, at the solid waste disposal facility and for any applicable activity such as ground water monitoring.

(d) a permit application for a Class I, II, III, IV, V, and VI Landfill shall contain a closure plan to address:

(i) closure schedule;

(ii) capacity of site in volume and tonnage;

(iii) final inspection by regulatory agencies; and

(iv) identification of closure costs including cost calculations and the funding mechanism.

(e) a permit application for a Class I, II, III, IV, V, and VI Landfill shall contain a post-closure plan to address, as appropriate for the specific

landfill:

- (i) site monitoring of:
  - (A) landfill gas on a quarterly basis until the conditions of either Subsection R315-302-3(7)(b) or Subsection R315-302-3(7)(c) are met;
  - (B) ground water on a semiannual basis, or other schedule as determined by the Executive Secretary, until the conditions of either Subsection R315-302-3(7)(b) or Subsection R315-302-3(7)(c) are met; and
  - (C) surface water, if required, on the schedule specified by the Executive Secretary and until the Executive Secretary determines that the monitoring of surface water may be discontinued;
- (ii) inspections of the landfill by the owner or operator:
  - (A) for landfills that are required to monitor landfill gas, and Class II Landfills, on a quarterly basis; and
  - (B) for other landfills that are not required to monitor landfill gas, on a semiannual basis;
- (iii) maintenance activities to maintain cover and run-on and run-off systems;
- (iv) identification of post-closure costs including cost calculations and the funding mechanism;
- (v) changes to record of title as specified by Subsection R315-302-2(6); and
- (vi) list the name, address, and telephone number of the person or office to contact about the facility during the post-closure period.

**R315-310-5. Contents of a Permit Application for a New or Expanded Class III, IV, or VI Landfill.**

- (1) Each application for a new or expansion of an existing Class III, IV, or VI Landfill permit shall contain the information required in Section R315-310-3.
- (2) Each application shall also contain an engineering report, plans, specifications, and calculations that address:
  - (a) the information and maps required by Subsections R315-310-4(2)(a)(i) and (ii);
  - (b) the design and location of the run-on and run-off control systems;
  - (c) the information required by Subsections R315-310-4(2)(d) and (e);
  - (d) the area to be served by the facility; and
  - (e) how the facility will meet the requirements of Rule R315-304, for a Class III Landfill, or Rule R315-305, for a Class IV or VI Landfill.
- (3) Each application for a Class IIIa or IVa Landfill permit shall also contain the applicable information required in Subsections R315-310-4(2)(b) and (c).

***The above changes are made to clarify the information that must be included in a Class III Landfill permit application and to emphasize that a Class III Landfill is regulated the same as a Class IV or VI Landfill.***

**R315-310-8. Contents of a Permit Application for a New or Expanding Waste Tire Storage Facility.**

Each application for a waste tire storage facility permit shall contain the information required in Subsections R315-310-3(1)(a), (b), and (c), and Subsection R315-314-3(3).

**R315-310-9. Contents of ~~[a Permit]~~an Application for~~[an Existing Facility or]~~ a Permit Renewal.**

The owner or operator, or both, where the owner and operator are not the same person, of each existing facility shall apply for a~~[permit or]~~ renewal of the~~[if]~~ permit by submitting the applicable information and application specified in Sections R315-310-3, -4, -5, -6, -7, or -8, as appropriate. ~~[Previous information submitted]~~Applicable information, that was submitted to the Executive Secretary as part of a previous permit application, may be

copied and included in the permit renewal application so that all required information is contained in one document~~[may be referred to in the application]~~. ~~[Changes in operating methods or other changes must be noted in the application in order to be authorized by permit]~~The information submitted shall reflect the current operation, monitoring closure, post-closure, and all other aspects of the facility as currently established at the time of the renewal application submittal.

*The above change will allow the Division to have available in one document all of the information required for a permit. Public review of the permit application and the permit will also be facilitated.*

**R315-310-10. Contents of an Application for a Permit for a Facility in Post-Closure Care.**

The application for a Post-Closure Care permit shall contain the applicable information required in Section R315-310-3 and documentation as to how the facility will meet the requirements of Section R315-302-3(5) and (6).

*The above change will give permit applicants direction on the contents of a post-closure care permit*

**R315-310-~~[10]~~11. Permit Transfer.**

(1) A permit may not be transferred without approval from the Executive Secretary, nor shall a permit be transferred from one property to another.

(2) The new owner or operator shall submit to the Executive Secretary:

(a) [Application for transfer of a permit shall be made at least 60 days prior to the change of permittee] A revised permit application no later than 60 days prior to the scheduled change and

(b) A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees.

(3) The new permittee shall:

(a) assume permit requirements and all financial responsibility;

(b) provide adequate documentation that the ~~[operator]~~permittee has or shall have ownership or control of the facility for which the transfer of permit has been requested;

(c) demonstrate adequate knowledge and ability to operate the facility in accordance with the permit conditions; and

(d) demonstrate adequate financial assurance as required in the permit and R315-309 for the operation of the facility.

(4) When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of R315-309 until the new owner or operator has demonstrated that he is complying with the requirements of that rule.

(5) An application for permit transfer may be denied if the Executive Secretary finds that the applicant has:

(a) knowingly misrepresented a material fact in the application;

(b) refused or failed to disclose any information requested by the Executive Secretary;

(c) exhibited a history of willful disregard of any state or federal environmental law; or

(d) had any permit revoked or permanently suspended for cause under any state or federal environmental law.

*The changes in section 12 are made to make the solid waste rules more closely align with the hazardous waste rules on permit transfers and assure that financial assurance is maintained throughout the process.*

KEY: solid waste management, waste disposal

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